



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor
George E. Meyer, Secretary
Ronald W. Kazmierczak, Regional Director

Northeast Region Headquarters
1125 N. Military Ave., P.O. Box 10448
Green Bay, Wisconsin 54307-0448
Telephone 920-492-5800
FAX 920-492-5913
TDD 920-492-5912

January 6, 2000

Mr. Thomas Purdy
3601 Commerce Court
Appleton, Wisconsin 54911

Subject: Case Closure, Former Hardee's, 2145 University Avenue, Green Bay,
Wisconsin BRTS #: 03-~~08-172472~~
05-178178

Dear Mr. Purdy:

On December 14, 1999, the Department received a copy of the recorded groundwater use restriction for the above site. With the receipt of this verification, the closure requirements for this case have been met. This case will now appear as "closed" on the Department's case tracking system.

Based on the investigative documentation provided to the Department, it appears that the petroleum contamination at the above-named site is in compliance with the requirements of chs. NR 700 to NR 726, Wis. Adm. Code. However, this case may be reopened pursuant to s. NR 726.09, Wis. Adm. Code, if additional information regarding site conditions indicate that contamination on or from the site poses a threat to public health, safety or welfare to the environment.

Thank you for your and your consultant's cooperation and cleanup efforts during this process. If you have any questions regarding the content of this letter, please contact me in Green Bay at 920-492-5861.

Yours truly,

Alan Thomas Nass, P.G., P.S.
Hydrogeologist

cc: Stuart Gross, Northern Environmental, 1203 Storbeck Drive, Waupun, WI 53963
Dan Pamperin, Stadium Shell, 1221 Lombardi Access, Green Bay, WI 54304



1538203

WARRANTY DEED

Document Number

Norox, Inc., a Wisconsin corporation

conveys and warrants to Hard-Kor, LLC, a Wisconsin limited liability companythe following described real estate in Brown County, State of Wisconsin:REGISTER OF DEEDS
BROWN COUNTY

'97 FEB 11 PM 2 11

CATHY WILLIQUETTE
REGISTER OF DEEDS

Recording Area

Name and Return Address

Jerome Smyth
P.O. Box 23200
Green Bay, WI 54305-2200

21-2206-4

(Parcel Identification Number)

PARCEL III

That part of Lot Sixty (60), according to the recorded Plat of NEWBERRY'S ADDITION TO THE CITY OF GREEN BAY, Subdivision No. 1 in the City of Green Bay, East side of Fox River, Brown County, Wisconsin described as follows:

Commencing at the point of intersection of the West line of Ohio Street now Danz Avenue with the North line of Willow Street now University Avenue; thence North along the West line of Danz Avenue 160 feet; thence West on a line parallel with the North line of University Avenue 164 feet; thence South on a line parallel to the West line of Danz Avenue 160 feet; thence East along the North line of University Avenue 164 feet to the West line of Danz Avenue and the place of beginning, EXCEPTING therefrom that part thereof recorded in Jacket 3572 of Records, Image 48, as Document No. 328038.

This is not homestead property.

Exceptions to warranties: all liens, encumbrances, easements, covenants and restrictions of record.

TRANSFER

\$ 711.00

FEE

Dated this 5th day of February, 1997.

NOROX, INC.

(SEAL)

By:

Edward J. DeBoth, Jr. (SEAL)

* Edward J. DeBoth, Jr., Vice President

(SEAL)

By:

Keith J. DeBoth (SEAL)

* Keith J. DeBoth, Secretary

AUTHENTICATION

Signature(s) _____

authenticated this _____ day of _____, _____

ACKNOWLEDGMENT

STATE OF WISCONSIN

Brown County.Personally came before me this 5th day of February, 1997 the above named Edward J. DeBoth, Jr. and Keith J. DeBoth, to me known to be the Vice President and Secretary, respectively of Norox, Inc., andto me known to be the person s who executed the foregoing instrument and acknowledge the same.

TITLE: MEMBER STATE BAR OF WISCONSIN

(If not, authorized by § 706.06, Wis. Stats.)

THIS INSTRUMENT WAS DRAFTED BY

Atty. J. F. Jaekels
Green Bay, WINotary Public Brown County, Wis.
My Commission is permanent. (If not, state expiration date: _____)

(Signatures may be authenticated or acknowledged. Both are not necessary.)

I, Cathy Williquette, Brown County Register of Deeds, do hereby certify that this is a true and correct copy of the original record on file in the Brown County Register of Deeds Office, Green Bay, Wisconsin.
I herewith set my hand and official seal this 17th day of June, A.D. 19 97
Cathy Williquette
REGISTER OF DEEDS

PARCEL III

That part of Lot Sixty (60), according to the recorded Plat of NEWBERRY'S ADDITION TO THE CITY OF GREEN BAY, Subdivision No. 1 in the City of Green Bay, East side of Fox River, Brown County, Wisconsin described as follows:

Commencing at the point of intersection of the West line of Ohio Street now Danz Avenue with the North line of Willow Street now University Avenue; thence North along the West line of Danz Avenue 150 feet; thence West on a line parallel with the North line of University Avenue 164 feet; thence South on a line parallel to the West line of Danz Avenue 150 feet; thence East along the North line of University Avenue 164 feet to the West line of Danz Avenue and the place of beginning, EXCEPTING therefrom that part thereof recorded in Jacket 3572 of Records, Image 46, as Document No. 928038.

This is not homestead property.

Exceptions to warranties: all liens, encumbrances, easements, covenants and restrictions of record.

TRANSFER
\$ 711.00
FEE

Dated this 5th day of February, 1997.

NOROX, INC.

(SEAL)

By: Edward J. DeBoth, Jr. (SEAL)

* _____

* Edward J. DeBoth, Jr., Vice President

(SEAL)

By: Keith J. DeBoth (SEAL)

* _____

* Keith J. DeBoth, Secretary

AUTHENTICATION

Signature(s) _____

authenticated this _____ day of _____,

ACKNOWLEDGMENT

STATE OF WISCONSIN

Brown County.

Personally came before me this 5th day of February, 1997 the above named Edward J. DeBoth, Jr. and Keith J. DeBoth, to me known to be the Vice President and Secretary, respectively of Norox, Inc., and

to me known to be the person s who executed the foregoing instrument and acknowledge the same.

* TITLE: MEMBER STATE BAR OF WISCONSIN

(If not, _____
authorized by § 706.06, Wis. Stats.)

THIS INSTRUMENT WAS DRAFTED BY

Atty. J. F. Jaekels

Green Bay, WI

Jeffrey F. Jaekels
Notary Public Brown County, Wis.
My Commission is permanent. (If not, state expiration date: _____)

(Signatures may be authenticated or acknowledged. Both are _____)

I, _____, Brown County Register of Deeds, do hereby certify that this is a true and correct copy of the original record on file in the Brown County Register of Deeds Office, Green Bay, Wisconsin.
herewith set my hand and official seal this 17th day of June, A.D. 19 97
Deborah L. Ludwig
REGISTER OF DEEDS

THIS INDENTURE, Made by Little Ten Developers,grantor of Brown County, Wisconsin, hereby conveys and warrants toThe City of Green Bay grantee of Brown County, Wisconsin, for
the sum of Six Thousand Eight Hundred Twenty-five and no/100 Dollars (\$6,825.00)the following tract of land in Brown County, State of Wisconsin;

That part of the East 164 feet of the South 150 feet of Lot 60, Newberry's Addition, Subdivision No. 1, City of Green Bay, Brown County, Wisconsin being more particularly described as follows:

Beginning at the Southeast corner of said Lot 60 and running thence Westerly along the South line of said Lot 60 164.0 feet to the West line of said East 164 feet; thence Northerly along said West line to a point on a line 7.0 feet Northerly (Measured at right angles) of and parallel to said South line; thence Easterly along said parallel line 145.47 feet; thence along the arc of a 20.0 foot radius curve to the left 29.89 feet, said curve having a chord which bears Northeasterly 27.19 feet to a point on the East line of said Lot 60, 25.55 feet Northerly of the point of beginning; thence Southerly 25.55 feet to the point of beginning.

Tax Exempt: Section 77.25 (2), Wisconsin Statutes.

IN WITNESS WHEREOF, the said grantors have hereunto set their hands and

seals this 29th day of May, A. D., 1979.

Signed and Sealed in Presence of

George Sarkis

REGISTER OF DEEDS
BROWN COUNTY

OCT 10 1979

AT 11:55 O'CLOCK... A.M.

State of Wisconsin, Brown County

Personally came before me this

29th day of May,A. D., 1979. The above namedLittle Ten Developers, to me

known to be the persons who executed

the foregoing instrument and acknow-

ledged the same.

Sherry L. Fournier
Notary Public Brown County, Wis.My Commission Expires May 18, 1980.

Approved as to form this 1st of October, 1979.

Thomas A. Camilli - Thomas A. Camilli
This instrument drafted by Lawrence R. Woldt

LITTLE TEN DEVELOPERS,

George Sarkis

Dr. Robert Rockstroh

Dr. Roger Campshure

Dr. Gerald LeMieux

Carol May

David Feldhausen

Betty Baye

Lorraine Schacht

Battista J. Cassano

Robert W. Schaefer

FEE
77.250
EXEMPT

1727384

Document Number

GROUNDWATER USE RESTRICTION

BROWN COUNTY
REGISTER OF DEEDS
CATHY WILLIQUETTE

1999 NOV 15 P 2:09

Declaration of Restrictions**Legal Description of the Property: In re:**

That part of Lot Sixty (60), according to the recorded Plat of NEWBERRY'S ADDITION TO THE CITY OF GREEN BAY, Subdivision No. 1 in the City of Green Bay, East side of Fox River, Brown County, Wisconsin described as follows:

Commencing at the point of intersection of the West line of Ohio Street now Danz Avenue with the North line of Willow Street now University Avenue; thence North along the West line of Danz Avenue 150 feet; thence West on a line parallel with the North line of University Avenue 164 feet; thence South on a line parallel to the West line of Danz Avenue 150 feet; thence East along the North line of University Avenue 164 feet to the West line of Danz Avenue and the place of beginning, EXCEPTING therefrom that part thereof recorded in Jacket 3572 of Records, Image 46, as Document No. 928038.

Recording Area**Name and Return Address**

Thomas Purdy
3601 Commerce Ct.
Appleton, WI 54911

Parcel Identification Number (PIN)

STATE OF WISCONSIN

)

) ss

COUNTY OF BROWN

)

WHEREAS, University Shell, LLC, a Wisconsin limited liability company is the owner of the above-described property.

WHEREAS, one or more petroleum discharges have occurred at this property. Petroleum contaminated groundwater above NR 140 enforcement standards exists on this property at the following location(s): Benzene contamination in the groundwater at 130 micrograms per liter in monitoring well MW200. Location of monitoring wells and borings are provided on Figure 1 attached and made part of this restriction.

WHEREAS, it is the desire and intention of the property owner to impose on the property restrictions which will make it unnecessary to conduct additional soil or groundwater remediation activities on the property at the present time.

WHEREAS, natural attenuation has been approved by the Department of Natural Resources to remediate groundwater exceeding ch. NR 140 groundwater standards within the boundaries of this property.

WHEREAS, construction of wells where the water quality exceeds the drinking water standards in ch. NR 809 is restricted by ch. NR 811 and ch. NR 812. Special well construction standards or water treatment requirements, or both, or well construction prohibitions may apply.

NOW THEREFORE, the owner hereby declares that all of the property described above is held and shall be held, conveyed or encumbered, leased, rented, used, occupied and improved subject to the following limitation and restrictions:

Anyone who proposes to construct or reconstruct a well on this property is required to contact the Department of Natural Resources' Bureau of Drinking Water and Groundwater, or its successor agency, to determine what

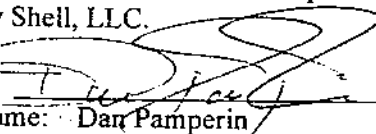
specific prohibitions or requirements are applicable, prior to constructing or reconstructing a well on this property. No well may be constructed or reconstructed on this property unless applicable requirements are met.

This restriction is hereby declared to be a covenant running with the land and shall be fully binding upon all persons acquiring the above-described property whether by descent, devise, purchase or otherwise. This restriction benefits and is enforceable by, the Wisconsin Department of Natural Resources, its successors and assigns. The Department, its successors or assigns, may initiate proceedings at law or in equity against any person or persons who violate or are proposing to violate this covenant, to prevent the proposed violation or to recover damages for such violation.

Any person who is or becomes owner of the property described above may request that the Wisconsin Department of Natural Resources or its successor issue a determination that the restrictions set forth in this covenant are no longer required. Upon receipt of such a request, the Wisconsin Department of Natural Resources shall determine whether or not the restrictions contained herein can be extinguished. If the Department determines that the restrictions can be extinguished, an affidavit, with a copy of the Department's written determination, may be recorded to give notice that this groundwater use restriction is no longer binding.

IN WITNESS WHEREOF, the owner of the property has executed this Declaration of Restrictions, this 2ND day of NOV, 1999.

By signing this document, Dan Pamperin acknowledges that he is duly authorized to sign this document on behalf of University Shell, LLC.

Signature: 

Printed Name: Dan Pamperin

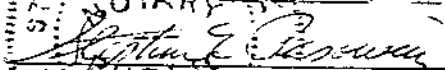
Title: Managing Member

Subscribed and sworn to before me

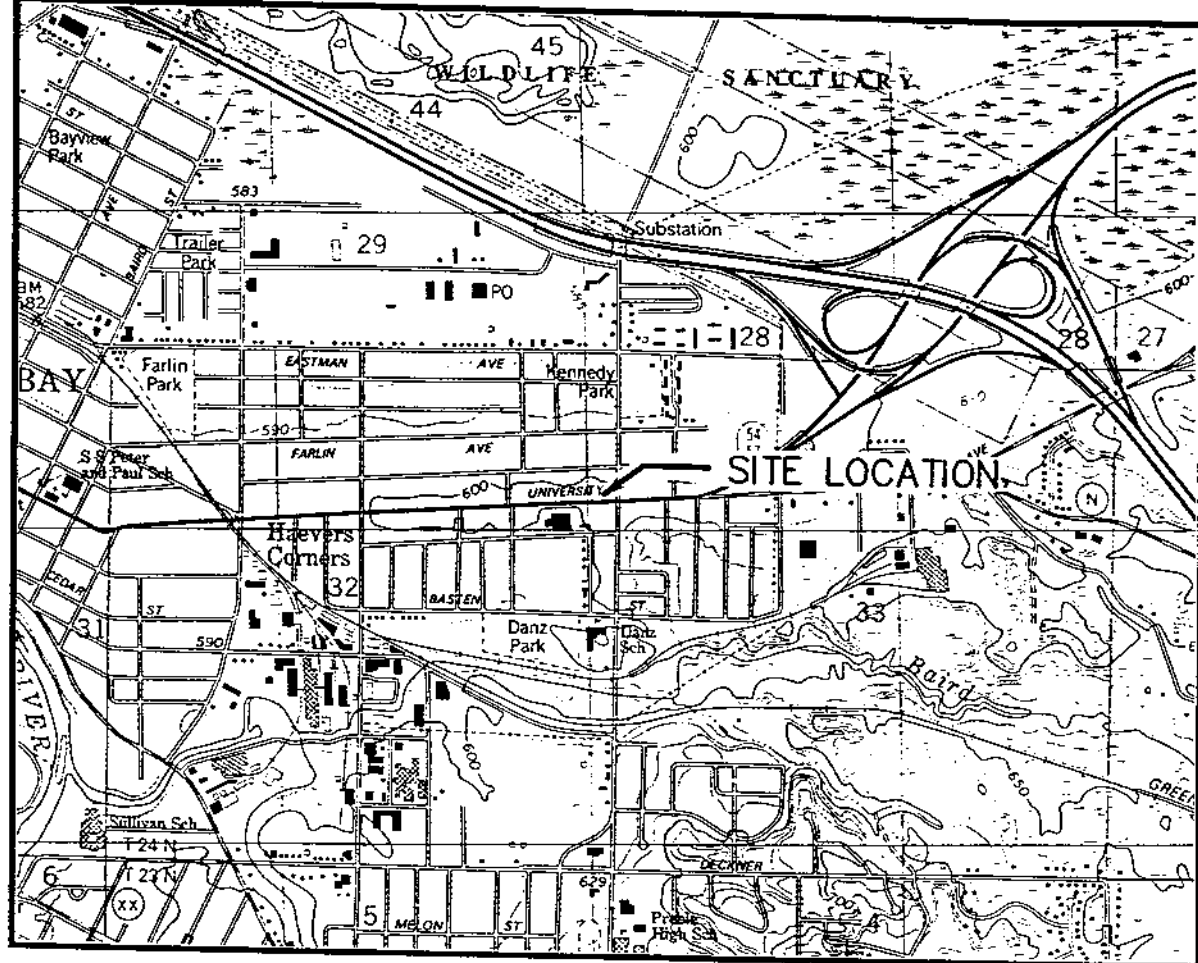
this 2ND day of NOVEMBER, 1999.


Notary Public, State of Wisconsin

My Commission Expires 12-24-00


E. P. S.

This document was drafted by the Wisconsin Department of Natural Resources.



SCALE IN FEET

1" = 2000'



CONTOUR INTERVAL 10 FEET
NATIONAL GEODETIC VERTICAL DATUM OF 1929



BASE MAP SOURCE: USGS GREEN BAY EAST, WISCONSIN 7.5 MINUTE TOPOGRAPHIC MAP, 1982

DRAWN BY: DAM PROJECT: HAR830218

DATE: 1/6/98

QUADRANGLE LOCATION

REV. DATE

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Northern Environmental™
Hydrologists • Engineers • Geologists

FIGURE 1
SITE LOCATION AND LOCAL TOPOGRAPHY
HARDEES RESTAURANT
2145 UNIVERSITY AVE. GREEN BAY, WISCONSIN

FOR: HAR-KOR, LLC

LEGEND

- MONITORING WELL WITH GROUND-WATER ELEVATION
- APPROXIMATE LOCATION OF FORMER DISPENSER ISLANDS
- APPROXIMATE LOCATION OF FORMER UNDERGROUND STORAGE TANKS (UST)
- UTILITIES
 - GAS = GAS LINE
 - W = WATER LATERAL
 - T = TELEPHONE LINE
 - (UG)E = UNDERGROUND ELECTRIC
 - (OH)E = OVERHEAD ELECTRIC
 - SS = STORM SEWER
 - SAN = SANITARY SEWER

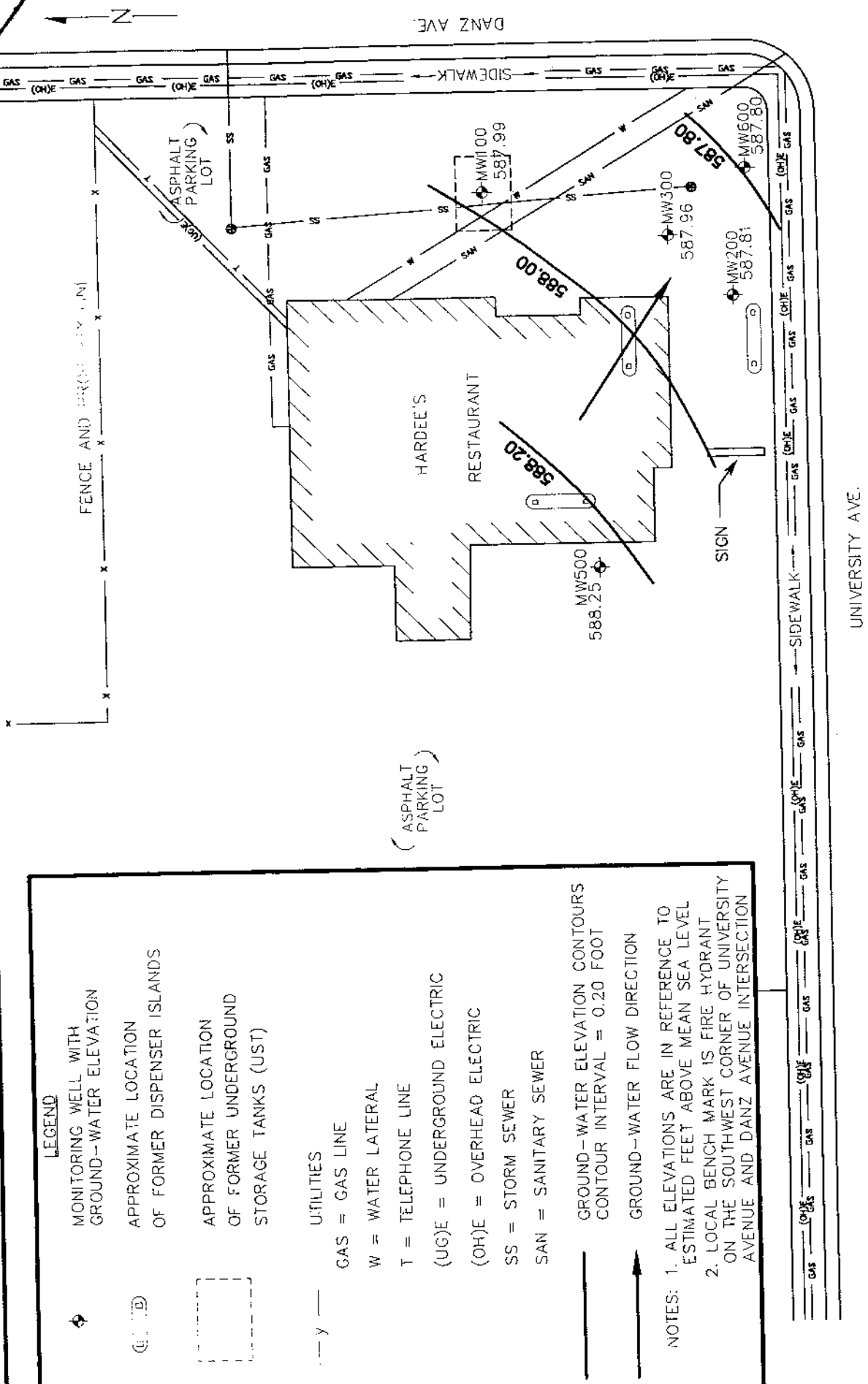
GROUND-WATER ELEVATION CONTOURS
CONTOUR INTERVAL = 0.20 FOOT

GROUND-WATER FLOW DIRECTION

NOTES: 1. ALL ELEVATIONS ARE IN REFERENCE TO ESTIMATED FEET ABOVE MEAN SEA LEVEL

2. LOCAL BENCHMARK IS FIRE HYDRANT ON THE SOUTHWEST CORNER OF UNIVERSITY AVENUE AND DANZ AVENUE INTERSECTION

SCALE IN FEET



DRAWN BY: DAM PROJECT: HAR830218 DATE: 2/17/98

REV. DATE 11/15/98
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Hydrologists • Engineers • Geologists

FIGURE 3
GROUND-WATER ELEVATION AND FLOW DIRECTION
DATA: OCTOBER 20, 1998
HARDEE'S RESTAURANT
2145 UNIVERSITY AVE. GREEN BAY, WISCONSIN

FOR: HARD•KOR, LLC

Table 2 Ground-Water Quality, Hardee's Restaurant, 2145 University Avenue, Green Bay, Wisconsin

Well ID	Date Sampled	Detected Volatile Organic Compounds (VOCs) (µg/l)											
		Lead (µg/l)	Benzene	1,2-Dichloroethane	Ethylbenzene	Isopropylbenzene	p-Isopropyltoluene	Naphthalene	n-Propylbenzene	Toluene	1,2,4-Trimethylbenzene	1,3,5-Trimethylbenzene	Xylenes
Wis. Adm. Code Chapter NR 140, PAL		15	0.5	0.5	140	NE	NE	8	NE	66.6	NE	NE	124
Wis. Adm. Code Chapter NR 140, ES		15	5	5	700	NE	NE	40	NE	343	NE	NE	620
MMW100	01/28/98	<1	<0.21	0.18 "J"	<0.68	<0.38	<0.37	<1	<0.4	<1.5	<1	<0.66	<1.78
	07/27/98	---	<0.32	0.61 "J"	<0.34	<0.34	<0.31	<0.88	<0.3	<0.35	<0.35	<0.64	<0.66
	10/20/98	---	<0.32	<0.36	<0.34	<0.34	<0.31	<0.88	<0.3	<0.35	<0.35	<0.64	<0.66
	02/03/99	---	<0.32	<0.36	<0.34	<0.34	<0.31	<0.88	<0.3	<0.35	<0.35	<0.64	<0.66
MMW200	01/28/98	---	77	<0.14	42	0.64	<0.37	3 "J"	13	3.8	13	3.5	186
	07/27/98	---	190	<1.8	260	3.8 "J"	<1.6	16	10	2.3 "J"	23	<3.2	72
	10/20/98	---	210	<3.4	220	<0.34	<0.31	<8.8	8.8	<3.5	24	<8.4	81
	02/03/99	---	130	<0.36	190	3	<0.31	6	5.5	8.7	36	7.4	351
MMW300	01/29/98	---	<0.21	0.53	<0.68	<0.38	<0.37	<1	<0.4	<1.5	<1	<0.66	<1.78
	07/27/98	---	<0.32	0.67 "J"	<0.34	<0.34	<0.31	<0.88	<0.3	<0.35	<0.35	<0.64	<0.66
	10/20/98	---	<0.32	0.92 "J"	<0.34	<0.34	<0.31	<0.88	<0.3	<0.35	<0.35	<0.64	<0.66
	02/03/99	---	<0.32	<0.36	<0.34	<0.34	<0.31	<0.88	<0.3	<0.35	<0.35	<0.64	<0.66
MMW500	01/29/98	---	<0.21	<0.14	<0.68	<0.38	<0.37	<1	<0.4	<1.5	<1	<0.66	<1.78
	07/27/98	---	<0.32	<0.36	<0.34	<0.34	<0.31	<0.88	<0.3	<0.35	<0.35	<0.64	<0.66
	10/20/98	---	<0.32	<0.36	<0.34	<0.34	0.55 "J"	<0.88	<0.3	<0.35	<0.35	<0.64	<0.66
	02/03/99	---	<0.32	<0.36	<0.34	<0.34	<0.31	<0.88	<0.3	<0.35	<0.35	<0.64	<0.66
MMW600	02/13/98	---	<0.21	<0.14	<0.68	<0.38	<0.37	<1	<0.4	<1.5	<1	<0.66	<1.78
	07/27/98	---	<0.32	<0.36	<0.34	<0.34	<0.31	<0.88	<0.3	<0.35	<0.35	<0.64	<0.66
	10/20/98	---	<0.32	<0.36	<0.34	<0.34	0.51 "J"	<0.88	<0.3	<0.35	<0.35	<0.64	<0.66
	02/03/99	---	<0.32	<0.36	<0.34	<0.34	<0.31	<0.88	<0.3	<0.35	<0.35	<0.64	<0.66

Note:

µg/l = micrograms per liter

<x = analyte not detected above laboratory detection limit of x

"J" = Analyte detected between Limit of Detection and Limit of Quantitation

NE = Not Analyzed

PAL = Preventive Action Limit

ES = Enforcement Standard

x = x exceeds Wisconsin Administrative Code, Chapter NR 140, ES

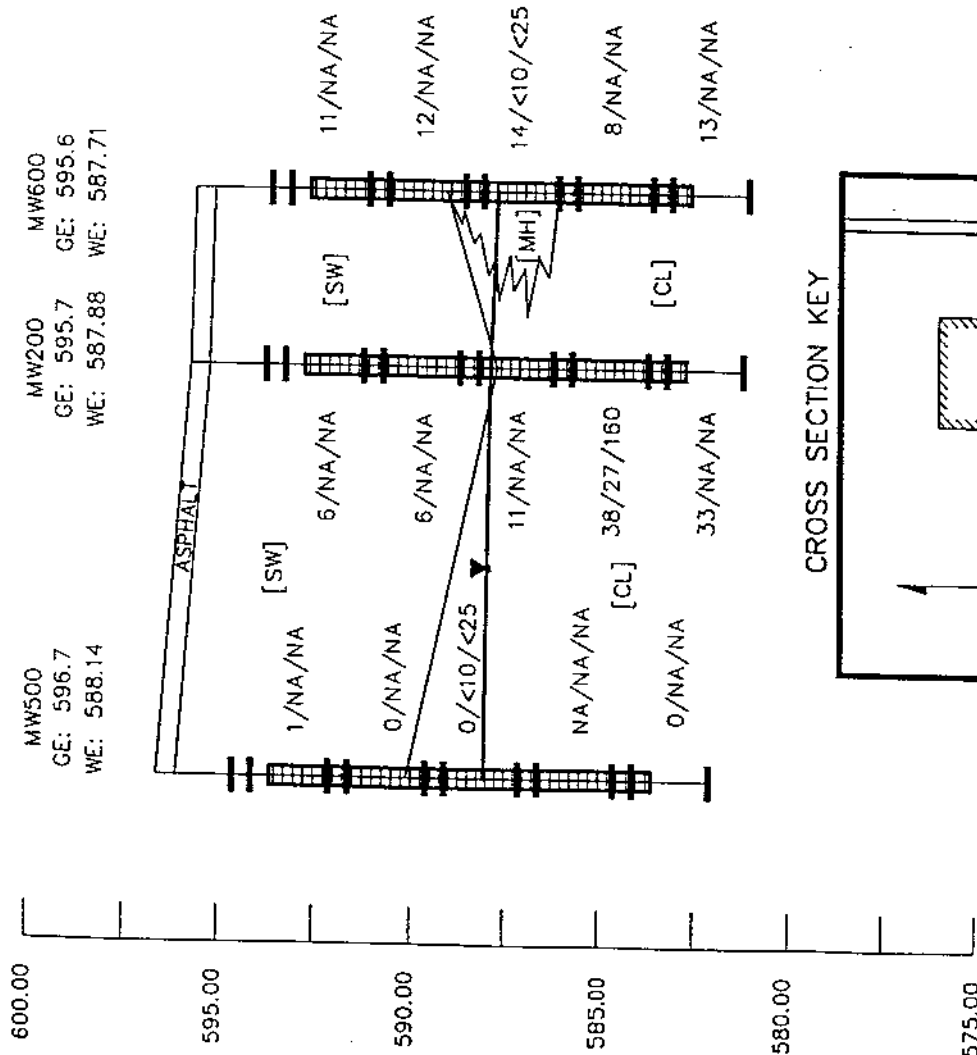
x = x exceeds Wisconsin Administrative Code, Chapter NR 140, PAL

NE = Not Established

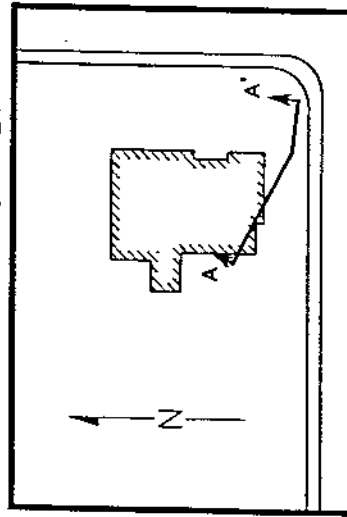
Wis. Adm. Code = Wisconsin Administrative Code

Sato Investigation

FEET ABOVE
MEAN SEA LEVEL



CROSS SECTION KEY



SCALE IN FEET

VERTICAL
SCALE (ft)
2.5

VERTICAL
EXAGGERATION
6X

15 30
HORIZONTAL
SCALE (ft)

LEGEND

MW500
GE: 595.6
WE: 587.71

MONITORING WELL

GROUND ELEVATION

WATER ELEVATION

GROUND-WATER TABLE

SOIL SEPARATION

SOIL TYPE

[SW]
[MH]
[CL]

SAND
SILT
SILTY CLAY

WHERE:

SAMPLE
INTERVALS

PID/GRO/
BENZENE

PID = PHOTOIONIZATION
DETECTOR IN μm

GRO = GASOLINE RANGE
ORGANICS IN mg/kg

BENZENE IN $\mu\text{g/kg}$

NA = NOT ANALYZED

<X = NOT DETECTED TO LABORATORY
REPORTING LIMIT OF X

NOTES:

1. ALL ELEVATIONS REFERENCED TO
FEET ABOVE MEAN SEA LEVEL
2. LOCAL BENCH MARK IS FIRE HYDRANT
ON SOUTHWEST CORNER OF UNIVERSITY
AVE. AND DANZ AVE. INTERSECTION
3. μm = INSTRUMENT UNITS AS ISOBUTYLENE
4. mg/kg = MILLIGRAMS PER KILOGRAM
5. $\mu\text{g/kg}$ = MICROGRAMS PER KILOGRAMS

DRAWN BY: DAM PROJECT: HAR830218 DATE: 2/1/98

REV. DATE
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PROPERTY OF NORTHERN ENVIRONMENTAL INCORPORATED AND SHALL
NOT BE COPIED OR USED EXCEPT FOR THE PURPOSE FOR WHICH
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Δ Northern Environmental
hydrologists • Engineers • Geologists

FIGURE 2

SUBSURFACE CROSS SECTION A TO A'

HARDEE'S RESTAURANT

UNIVERSITY AVE. GREEN BAY, WISCONSIN

FOR: HARD KOR, LLC